

0-24-2013

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 FM SECSTATE WASHDC

~~CONFIDENTIAL~~

IMMEDIATE ACTION

TO AMEMBASSY BUENOS AIRES IMMEDIATE 1358
 BT

~~CONFIDENTIAL~~ STATE 239889

E.O. 11652: GDS

TAGS: PFOR, CASC, AR (TALAMANTE, OLGA)

SUBJECT: W/W ARREST: OLGA TALAMANTE

REF: B.A. 6635

TO	ACT	INF	TO	ACT	INF
AMB	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	DAO		
DCM	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	LLGATT		
			DEA		
POL			FAS		
ECON			AID		
POI/R			MILGP		
CO S			PEI		
ADM			GSO		
LSIS			B & F		
STI			CHRON		<input checked="" type="checkbox"/>
SY			RF		

TO AMBASSADOR HILL FROM ASSISTANT SECRETARY ROGERS

1. IN MY SEPTEMBER 23 CONVERSATION WITH ROBLEDO (STATE 233963), HE INDICATED HIS FULL AWARENESS OF DANGER THAT THE TALAMANTE CASE COULD REPRESENT FOR U.S.-ARGENTINE RELATIONS IF IT IS NOT RESOLVED PROMPTLY, AND PROMISED TO HAVE HER RELEASED WITHIN A FEW WEEKS QUOTE IF HER LAWYER AGREES TO DROP HER APPEAL. UNQUOTE. YOU SHOULD SEEK APPOINTMENT WITH ROBLEDO AS SOON AS POSSIBLE IN ORDER TO EFFECT EARLY SOLUTION THIS TROUBLESOME CASE.

2. IT SEEMS TO ME ESSENTIAL THAT WE GET THE FACTS CLEAR WITH RESPECT TO THE QUESTION OF WHETHER APPEAL OF A VERDICT INTERFERES WITH POSSIBLE PAROLE AND/OR DEPORTATION PROCESS. BUENOS AIRES 6396 QUOTES DEFENSE ATTORNEY PEREZ AS SAYING THAT THE APPEAL WOULD ABSOLUTELY NOT AFFECT PAROLE/DEPORTATION PROCESS. ROBLEDO, ON THE OTHER HAND, INFORMED ME THAT THE PAROLE AND DEPORTATION COULD TAKE PLACE ONLY IF THE APPEAL WERE DROPPED. SINCE THIS IS A SIMPLE QUESTION OF STANDARD ARGENTINE JUDICIAL PROCEDURE, IT

SHOULD BE POSSIBLE TO GET A CLEAR CUT YES OR NO ANSWER.

3. I AM PUZZLED BY THE REPORT IN BUENOS AIRES 6635 THAT PEREZ IS NO LONGER OLGA'S DEFENSE ATTORNEY. IT APPEARS TO ME IMPERATIVE TO ASCERTAIN IMMEDIATELY WHY (AND HOW) THIS STEP WAS TAKEN AND WHETHER OLGA DESIRES TO BE REPRESENTED BY THE PUBLIC DEFENDER OR WISHES EMBASSY ASSISTANCE IN SECURING ANOTHER ATTORNEY. THIS MIGHT BEST BE ACCOMPLISHED BY ANOTHER VISIT TO OLGA IN AZUL.

Hill

4. COURT SECRETARY HANSEN'S STATEMENT THAT THE REQUEST FOR PAROLE HAD NOT BEEN PRESENTED TO THE JUDGE BECAUSE OF THE REVOCATION OF PEREZ' POWER OF ATTORNEY IS ALSO DIFFICULT TO UNDERSTAND. BUENOS AIRES 6396 OF SEPTEMBER 23 REPORTED THAT PEREZ HAD ALREADY REQUESTED OLGA'S PAROLE AND THAT HE EXPECTED IT TO BE CONSIDERED AND POSSIBLY DECIDED IN NEXT COUPLE OF DAYS. DOES THE SUBSEQUENT WITHDRAWAL OF ATTORNEY FROM APPEAL ACTION INVALIDATE A PREVIOUSLY-FILED PAROLE REQUEST? DOES COURT OF APPEALS AUTOMATICALLY TAKE JURISDICTION OVER PAROLE REQUEST? AN ACCURATE UNDERSTANDING OF THESE POINTS OF ARGENTINE LAW IS ESSENTIAL NOT ONLY TO RESPOND TO INCREASINGLY POINTED CONGRESSIONAL, PRESS AND OTHER PUBLIC INQUIRIES HERE BUT TO SUBSTANTIVE HANDLING OF THE CASE ITSELF.

5. I THINK IT IMPORTANT AT THIS JUNCTURE THAT YOU ASSUME PERSONAL CHARGE OF THIS CASE IN EFFORT OBTAIN EARLIEST SOLUTION ALONG LINES ROSLEDO INDICATED IN HIS CONVERSATION WITH ME. THIS WILL ENSURE THAT WE ARE PROVIDED ACCURATE AND COMPLETE INFORMATION ON ALL PERTINENT DEVELOPMENTS AS THEY OCCUR IN TALAMANTE CASE. KISSINGER

BT

#9889

~~CONFIDENTIAL~~

NNNN

6870
15 OCT 75
1910

DEPARTMENT OF STATE
TELEGRAM

INDICATE
☐ COLLECT
☐ CHARGE TO

FROM
AmbEmbassy BUENOS AIRES

CLASSIFICATION
~~LIMITED OFFICIAL USE~~

E.O. 11652:
TAGS:
SUBJECT: Olga Talamante Case

ACTION: SecState, WASH DC - IMMEDIATE

~~LIMITED OFFICIAL USE~~ BUENOS AIRES 6870

REFERENCE: BA 6817

FOR ASSISTANT SECRETARY ROGERS FROM AMBASSADOR

AMR
DCM
CONS
SY
POL
CHRON

1. The Minister of Interior Angel ROBLERO received me at 11:00 a.m., 10/10⁵/75, and I made reference to your conversation with him on the case of Olga Talamante. I impressed upon him the need to resolve quickly this irritating case and urged that he do everything within his power to that end.
2. ROBLERO said he was aware of the Talamante case but that it was still in the judiciary process as long as the appeal is pending. He said that if the attorney consented to drop the appeal, the deportation order could be implemented immediately. Otherwise, no executive action could be taken until the appeal decision is handed down.
3. DCM Montllor, who accompanied me on the call, told

DRAFTED BY:
DCM:JJMontllor:op

DRAFTING DATE TEL. EXT.
10-15-75 180

CONTENTS AND CLASSIFICATION APPROVED BY:
AMBASSADOR ROBERT C. HILL

CLEARANCES:

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Minister ROBLEDO of his conversation with Miss Talamante on Monday, October 13, in Azul. At that time she said that she wanted to continue with the appeal because it still offered the possibility of an acquittal.

ROBLEDO said that he could and would contact the Court of Appeals in La Plata to request that the appeal process be expedited as much as possible, and would inform us of the results of his call on Tuesday.

4. I told the Minister that the Embassy and the Department of State had received much criticism from some members of the U.S. Congress, and that I personally had received a threatening cable, as well as letters depicting Miss Talamante as being in a QUOTE fascist prison UNQUOTE. I assured the Minister that we were trying to avoid an orchestrated publicity campaign that could cause the GQA embarrassment if the Talamante case were allowed to become a cause celebre.

5. I urged the Minister to find, if possible, a solution that need not wait until the end of the appeal decision. The Minister said that one such step could be to commute her sentence to time already served, followed by immediate deportation but this would have certain drawbacks as it would set a precedent that could encourage other foreign subversives to come here and be subject to relatively light sentences for any wrongdoings. He said, however, that he would consult to see if there is any other legal means of deporting Miss Talamante if the appeal procedure should seem to be delayed.

HILL

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Classification

6655
14 OCT 75
1833

DEPARTMENT OF STATE TELEGRAM

INDICATE
☐ COLLECT
☐ CHARGE TO

FROM AmEmbassy BUENOS AIRES	CLASSIFICATION LIMITED OFFICIAL USE
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E.O. 11652:
TAGS:
SUBJECT:

N/A
CASC, CFRS, AR
Olga Talamante Case

ACTION:

SecState Wash DC - IMMEDIATE

~~LIMITED OFFICIAL USE~~ BUENOS AIRES 6655

REFERENCES:

(A) State 239889; (B) State 233968; (C) BA 6817

AND
DCM
CONS
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CHRON

1. As reported in refTel C, DCM Montllor and ConGen Huey made round trip to Azul on October 13 and held conversations with Federal Judge Dante IPPOLITO, Miss Olga TALAMANTE and Defense Attorney Alfredo PEREZ ABRAHAM.
2. INTERVIEW WITH JUDGE IPPOLITO. The Judge at first seemed reluctant to discuss the Talamante Case which he had tried, explaining that the case was no longer within his jurisdiction. We pointed out that our interest was in getting certain conflicting facts straightened out so that the Embassy would know how to proceed in this case.
3. In reply to our question as to whether the appeal procedure interfered with a request for parole, Judge Ippolito answered affirmatively. He explained that

DRAFTED BY: ConGenGONHuey/DCM:JMMontllor:pp	DRAFTING DATE 10-14-75	TEL. EXT. 180	CONTENTS AND CLASSIFICATION APPROVED BY: Ambassador Robert C. Hill
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CLEARANCES:

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there could be no consideration of parole until the appeal process was completed for the simple reason that the request for appeal made the sentence a provisional one until ratified, overturned or modified by the Appeals Court. In the absence of a definitive sentence, there is yet no definitive sentence from which a parole can be sought. We pointed out that this worked to the disadvantage of the defendant because the act of appeal denied the defendant the possibility of an early release on parole. The Judge said this was the inevitable effect of the appeal. He also said that he had sent the file in this case to the Federal Court of Appeals in the Provincial capital of La Plata and that while the file was under review and in the hands of that court, it could not be used for a simultaneous action in another court.

4. The Judge informed us that he had forwarded the file with the appeal to the Court in La Plata on October 9, well after he had been informed by Miss Talamante that she and the other defendants had dropped Attorney Pérez Abraham as their legal representative. Thus her appeal at La Plata will be in the hands of a Public Defense Attorney by the name of Antonio R. Sosa LIPRANDI who, without knowing the nine defendants in the common case, will work solely from the file.

5. The average delay before the Appeals Court renders a decision runs to about 45 days, but this may vary according to the workload of the Court and the complexity of the case under review. It is to be noted that the file of Miss Talamante forms an integral part of a case involving nine defendants. While the appeal case of each defendant is considered to be independent, all nine cases are reviewed at the same time.

6. In discussing the procedure to ^{obtain} ~~SMEN~~ the release and departure from the country of Miss Talamante, the Judge said that this was a matter of administrative decision by the Executive Power, handled in the Ministry of Interior. The Executive Power cannot intervene in the case as long as it is still in the judicial process, which includes an appeal. When the appeal decision is handed down, be it to sustain the conviction of the Lower Court or to acquit the defendant, the Executive will probably continue to hold the person under the State of Siege. However, if the Ministry of Interior so desires, it may invoke the deportation order which is now being held in the Immigration Department of the Ministry of Interior. Alternatively, the defendant may request the Executive Power on her own initiative to be allowed to depart the country under the conditions of Article 23 of the

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Constitution. In the case of Miss Talamante, she may personally write to the Minister of Interior and request expulsion as her option. Judge Ippolito stated that no attorney was necessary in this regard.

7. INTERVIEW WITH MISS TALAMANTE. We next visited Miss Talamante in the provincial jail. We conversed with her in the office of one of the prison officials but had to keep the door to the hall open so that the visitors could be in the line of sight of a Matron. Miss Talamante was not in prison garb, having presumably been allowed to change before meeting us. She looked well and was in a good frame of mind.

8. We explained that we were in Azul to try to understand the status of her case and to assure ourselves that she also was aware of what was happening. We told her that the judge had informed us that as long as the appeal was under consideration, there could be no action on her conditional release under parole. We inquired whether she was aware of this. She replied in the affirmative but added that she did not know it at the time that she and the other eight defendants had decided to appeal. She also explained that her decision to appeal was shared by the other defendants ^{because} ~~because~~ of their common position that they are not guilty and the appeal offered the possibility of acquittal. We asked her whether she wanted to

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consider dropping her appeal in order to put in motion a request for parole, and she replied that she did not, and that she preferred to act in concert with the other eight defendants until the appeal was resolved. She said that if an appeal confirmed the sentence she would wish to leave Argentina either under the existing deportation order or the option of expulsion under Article 23. We indicated to her that we also wished to expedite her departure and that we would inform the Ambassador of her wishes.

9. We inquired from Miss Talamante as to the reasons for her having revoked the Power of Attorney that she had given to Dr. Pérez Abraham. She replied that she and the other defendants had found him to be incompetent. Asked to explain further, she said that the defendants thought that their case showed them to be not guilty but that the attorney had not put forth a very strong defense to prove them innocent.

10. Miss Talamante did not make any special requests of us insofar as her case is concerned, since she is resigned to waiting out the time required for the Court of Appeals to hand down its decision. She did ask us, however, to send a message to her mother. We agreed to do this and she ~~drafted~~ ^{drafted} one in our presence.

11. We asked Miss Talamante about her residence status in Argentina. She replied she had temporary residence at

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Classification

the time of her arrest, but that it had expired while she was in ^{detention} ~~detention~~. We pointed out that to qualify for parole, the judge must be satisfied that she meets certain conditions imposed by law, among which are maintenance of residence within a specified area, and gainful employment. These conditions would be difficult to meet by a foreign national who is not a permanent resident. She appeared to understand this.

12. INTERVIEW WITH DEFENSE ATTORNEY PEREZ ABRAHAM.

From the jail we went to the office of her former Defense Attorney. He told us that he was surprised at the ~~unexpli-~~ cable action taken by the defendants in revoking his Power of Attorney; this, however, should in no way affect the progress of the appeal procedure now in the hands of the Court of Appeals in La Plata. He said he was given no reason for the concerted action of the nine defendants but he commented that this case had political overtones beyond its judicial aspect.

13. We raised the question of his legal fees for the handling of the case for Miss Talamante. The attorney appeared to believe that the American officials who had visited her recently, including Robert Felder of the Department of State, ^{THEY WOULD SOMEHOW} ~~had indicated~~ ^{assumes the responsibility for} the payment to him of the \$2,500 fee. He claimed he had previously also discussed this with Attorney Leonard Weinglass. We pointed

out to him that the U.S. Government is in no way obligated to pay the defense attorney any fee inasmuch as this is the responsibility of the defendant. The attorney replied that Miss Talamante does not have any resources in Azul. We suggested that he submit his bill to Attorney Weinglass in the United States for appropriate resolution.

14. CONCLUSIONS. It was Miss Talamante's personal decision to maintain her solidarity with the other eight codefendants and pursue the common appeal process in the knowledge that this resulted in her continued detention. She is now aware of the consequences of her decision.

15. She no longer has an attorney and did not indicate any desire to obtain a new one. She will rely, along with her codefendants, on public defender to pursue her appeal.

16. If the appeal results in acquittal, she will most likely continue to be detained under the "state of siege" in the jurisdiction of the executive power. She will then have to request expulsion from the Republic, under the terms of Article 23 or face deportation.

17. The decision of the Appeals Court may take as long as two months, perhaps more, depending on the number of cases on the docket. While the case is under appeal it is still under judicial review and not subject to intervention by the Executive Power.

Classification

18. As an alien without resident status, Miss Talamante would not appear to meet the conditions of residence and employment required for parole eligibility. Consequently, deportation or expulsion seem to be the only avenues open to her if the conviction is upheld by the Appeals Court. These courses of action are exclusively within the competence of the Executive Power, acting through the Ministry of Interior.

19. The Embassy will pursue this case with the Ministry of Interior with a view toward deportation or expulsion at the time she is released from judicial jurisdiction.

20. FYI. It is worthy of note that Judge Ippolito told us that he had never before handled a case of such complex nature, which involved a foreigner detained under the state of siege. Similar sentiments were voiced to Embassy officers by Attorney Thomas Doywitt of Brons & Salas law firm in Buenos Aires, whom we have consulted on various occasions. Therefore, there is little precedent to guide us in reporting on possible future developments in this case. END FYI.

21. ADDENDUM. ~~MISS~~ Ambassador has just been given appointment for call on Minister of Interior Robledo at 11:00 a.m. October 15. Will raise Talamante case at that time.

HILL

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Classification

FORM
4-68 FS-413A
CONTINUATION SHEET

DEPARTMENT OF STATE TELEGRAM

4645
14 JUL 75
1120

INDICATE
☐ COLLECT
☐ CHARGE TO

FROM AmEmbassy BUENOS AIRES	CLASSIFICATION UNCLASSIFIED
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E.O. 11652:

TAGS:

SUBJECT:

N/A
CASC, AR(TALAMANTE, Olga)
Ambassador Asks Foreign Minister to Release Olga Talamante

ACTION:

SecState, WASH DC - IMMEDIATE

UNCLASSIFIED:BUENOS AIRES 4645

REFERENCE:

EA 4637

AND
DCM
CONS
POL
POL/R
ADMIN
ST
CHRON

1. During call on Foreign Minister Vignes July 12, 1975, I told him of my serious concern over the continued detention of U.S. Citizen Olga Talamante, arrested last November in Aral. I pointed out that she had been held for eight months and that the judge hearing the case had not yet reached a decision, perhaps due to delays stemming from the recent general strike.
2. I emphasized the need to resolve this case quickly by having Miss Talamante leave Argentina as soon as possible before this case poisoned the good relations between the United States and Argentina.
3. Vignes took note of my deep interest in this case and assured me that he would personally look into its current status to see what he could do to expedite its resolution.

DRAFTED BY:

DCM:JHMontillor:ep

CLEARANCES:

DRAFTING DATE

7-14-75

TEL. EXT.

180

CONTENTS AND CLASSIFICATION APPROVED BY:

AMBASSADOR ROBERT C. HILL

CONS - Mr. Eury (per phone)

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1903

DEPARTMENT OF STATE TELEGRAM

INDICATE
☐ COLLECT
☐ CHARGE TO

FROM AmEmbassy BUENOS AIRES	CLASSIFICATION UNCLASSIFIED
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E.O. 11652:

TAGS:

SUBJECT:

N/A
CASC, CPRS, AR
Olga Talamante Case

ACTION:

SecState, WASH DC

UNCLASSIFIED:BUENOS AIRES 6826

AMB
DCM
CONS
CHIRON

ARA/APU FOR ROBERT FELDER

1. During Visit by DCM Montllor and Consul General Huay to Olga Talamante in Azul, 10/13/75, she requested that following message be transmitted to her mother Mrs. Refugio Talamante, 470 Gavilan Court, Gilroy, California 95020:

QUOTE. Dear Friends: Appeal procedure was started with my consent. It was necessary. Must wait for higher court decision(not ^{less} ~~more~~ than six weeks) and then should be able to leave.

2. Will write soon. Love and strength to all. Doing well. OLGA. UNQUOTE.

HILL

DRAFTED BY:

DCM:JMontllor:cp

DRAFTING DATE

10-14-75

TEL. EXT.

180

CONTENTS AND CLASSIFICATION APPROVED BY:

AMBASSADOR ROBERT C. HILL

CLEARANCES:

ConGen - Mr. Huay

UNCLASSIFIED

CLASSIFICATION

Buenos Aires, Argentina

June 23, 1975

Handwritten:
~~Hand file~~
~~filed~~
~~2nd~~
~~Photo~~
To Carl Smith
AL
Lepin
sent 7/14/75
mg

Mr. Leonard I. Weinglass
Attorney At Law
Suite 437A
University of Southern
California Law Center
University Park
Los Angeles, California 90007

Dear Mr. Weinglass:

Your letter of May 30, 1975 addressed to
Ambassador Robert C. Hill has just arrived.

The Ambassador is temporarily in the United
States and will return to Buenos Aires in
early July. I will be pleased to bring your
letter to his immediate attention at that
time.

Sincerely yours,

Joseph J. Montllor
Chargé d'Affaires a.i.

Chargé: J J Montllor:cp
X 180, 6-23-75

Handwritten:
cc: AMB's files

Leonard I. Weinglass

Attorney at Law

Suite 437A
Univ. of So. California Law Center
University Park
Los Angeles, California 90007
(213) 748-6100

May 30, 1975

ROBERT C. HILL

Ambassador Extraordinary and Plenipotentiary

American Embassy

Buenos Aires, Argentina

Re: Olga Talamante

Dear Ambassador Hill:

I am writing to convey the gratitude of myself, Mr. McCaughan, Olga and the Talamante family for the courtesies extended to us by you and your staff during my recent visit to Argentina. Mr. McCaughan and I were able to accomplish virtually everything we sought in terms of the factual investigation of Olga's case, thanks primarily to your cooperation and the active assistance of Consul General Huey and Mr. Wilkinson.

While appreciative of those efforts we were somewhat concerned about the inexplicable lack of information gathered by your staff in the previous six months. For instance, Olga's complaints of torture were never verified by an examination of the Court's records which in-

ROBERT C. HILL
May 30, 1975
Page 2

cluded a medical statement that marks were found on her body. Furthermore, her attorney (although admittedly without a telephone) was never contacted to determine the nature of the case against Olga. He provided us with new information indicating strongly that the incriminating evidence was fabricated in her case. In short, in the brief week of our visit, with the assistance of the Embassy staff, we were able to develop information which strongly supported the fact that Olga had been tortured and probably unlawfully arrested and charged.

Nor was her present status fully appreciated or understood. When we arrived, the Embassy did not know if Olga would be detained pursuant to the Executive Power. That was quickly ascertained in an interview arranged by your office with the Ministry of the Interior. She will be. And her detention will continue beyond the July judicial release date, even with an outstanding deportation order against her.

Mr. Huey advises that he has received telephonic assurance from the Argentine Foreign Office that they will arrange Olga's release in July. As of now, this is the only assurance the family has; and, as Mr. Wilkinson explained in our last meeting, "actually, there are absolutely no assurances."

ROBERT C. HILL
May 30, 1975
Page 3

I fully appreciate the distinction between diplomacy and legal advocacy, and I certainly don't expect the Embassy to become involved in the legal defense of an American abroad. However, it would appear that the separate issues of torture and an unlawful political arrest are legitimate concerns of the Embassy. Not being possessed of the facts surrounding those issues could only have served to inhibit the vigor with which the Embassy could have pursued Olga's release.

Since returning I have written to Senator Cranston and Congressman Mineta, as they requested I do so. My report included the above criticism as well as our appreciation for the assistance rendered to us.

While in Argentina we refused to talk to the Argentine press. However, we have discussed Olga's case with representatives of the American press since returning to the United States. I also discussed her case with an American UPI correspondent in Buenos Aires.

Hopefully, Olga will be released in July. It would be extremely comforting to her family if more concrete assurances could be obtained by the Embassy on a release date in advance of July.

Again, I want to thank you for the personal

ROBERT C. HILL
May 30, 1975
Page 4

interest you showed in the case and your taking time from
a busy schedule to discuss it with Mr. McCaughan and
myself.

Very truly yours,



LEONARD I. WEINGLASS

LIW/bi

info/AMB

~~Confidential~~ *prob*

MR. Hill

*AT least, I
should be
able to
arrange
with
a.c.
There is hope
of that.*

Nunda, N. _ . 14517, June 22, 1975

Mr. Joseph ^{J.} Montllor,
Charge d'Affaires a. i.,
Embassy of the United States of Mex America,
Buenos Aires, Argentina.

Dear Mr. Montllor:

Thank you very much for yours of the 6th in answer to my
letter of May 19 to Ambassador Hill.

If I had known anything whatsoever of the circumstances
leading to Ms. Talamante's arrest and imprisonment, I would
have taken no interest in her case. It is just too bad that an
American citizen should get mixed up in anything of the kind,
in a foreign country. I hope she will get off with nothing
worse than expulsion from Argentina.

Very Sincerely yours,

(Rev.) *Lawrence P. Van Slyke*